

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application of: Michael G. Lamming et al.)	Examiner: Avi M. Gold
)	
Appl. No.: 09/682,488)	Art Unit: 2157
)	
Filed: 09/07/2001)	Docket No. A0849-US-NP

Title: **METHOD AND APPARATUS FOR CONTROLLING DOCUMENT SERVICE
REQUESTS USING A MOBILE COMPUTING DEVICE**

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**REPLY BRIEF
IN RESPONSE TO EXAMINER'S ANSWER**

Sir:

Appellant respectfully submits this Reply Brief in the appeal of the present case to the Board of Appeals and Patent Interferences in response to the Examiner's Answer mailed March 9, 2007.

I. Response To Examiner's Answer

1. Asserted Common Knowledge Meaning Of "Embedded" Traversed

The Examiner's Answer on page 18, lines 2-6, and on page 19, lines 7-11 sets forth the following new assertion (i.e., not previously set forth in the Office Action mailed April 18, 2006 finally rejecting claims 1-26) without citing a prior art reference in support thereof:

The Applicant's specification in paragraph 0121 states "In one instance, **the control module 1610 is an ActiveX control *embedded in a web page running using the* Pocket Internet Explorer *operating system.*"** This portion of the specification does not define the terminology "embedded." One of ordinary skill in the art would consider "embedding" in this context to mean merely running a program on a device. (Emphasis added.)

Appellant respectfully traverses under MPEP § 2144.03(C) the forgoing assertion in the Examiner's Answer that "merely running a program on a device" is the correct common knowledge or "well known" meaning of "embedded" as used by Appellant for the following reasons:

(a) the dictionary definition given to the word "embed" by Merriam-Webster includes "to make something an integral part of" (see the definition of "embed" on the Internet at "www.m-w.com/dictionary/embedded");

(b) the meaning of an "ActiveX control" given by Microsoft includes "components (or objects) that you can inset into a Web page" (see "ActiveX Controls" in "Description of ActiveX Technologies" on the Internet at "support.microsoft.com/kb/154544").

Accordingly, Appellant respectfully maintains for the reasons set forth above and for the reasons set forth in Appellant's Appeal Brief, Lamming taken in combination with Fogarty fails to disclose or suggest Appellant's claimed method of receiving a control module embedded in a web page and using the control module for controlling a document service request at a mobile computing device between a document server and an output device.

Further, the Examiner's Answer on page 18, lines 6-13, and on page 19 line 18 to page 20 line 4, alleges that:

In Fogarty the web page is transmitted to the mobile devices and runs on the device, as seen in column 4, lines 42-67. In order to run on the device, the web page must necessarily include mapping to control how the pages are displayed. The mapping system, specifically seen in column 4, lines 54-61, is considered by the examiner to be the claimed "control module." Thus, Lamming in combination with Fogarty clearly teaches receiving a control module embedded in a web page or using the control module for controlling a document service request.

Appellant respectfully disagrees and submits that the "mapping system" as disclosed in Fogarty may not be considered synonymous with Appellant's claimed control module because the mapping system (306) as taught by Fogarty operates independent of the display device (310), as shown in Fogarty's Figure 2 and described in column 4, lines 43-67. Accordingly, Fogarty's disclosed mapping system fails to teach or suggest a control module as claimed by Appellant that is used by a mobile computing device to control a connection between a document server and an output device, where the mobile computing device establishes a connection with the document server over a first connection and with the output device over a second connection.

2. Asserted Common Knowledge Meaning Of Blackberry and Treo Applications Traversed

The Examiner's Answer on page 20, lines 15-17 sets forth the following new assertion (i.e., not previously set forth in the Office Action mailed April 18, 2006 finally rejecting claims 1-26) without citing a prior art reference in support thereof:

The claimed limitations of the application are very similar to what you would see in a Blackberry or Treo device. The combination of Lamming and Fogarty fully discloses those claimed limitations.

Appellant respectfully traverses under MPEP § 2144.03(C) the forgoing assertion in the Examiner's Answer that Appellant's claimed limitations is similar to applications found in Blackberry or Treo devices is common knowledge or "well known" and respectfully requests that evidence of an applications found in Blackberry or Treo devices be produced supporting the forgoing allegation. As set forth in MPEP § 2144.03(B), such a conclusion must be supported by evidence

supporting such a finding. Appellant has no basis on which to challenge the assertion as no specific factual finding has been presented in support thereof.

II. Conclusion

Based on the arguments presented in Appellant's Appeal Brief and this Reply Brief, claims 1-26 are believed to be in condition for allowance. Appellant therefore respectfully requests that the Board of Patent Appeals and Interferences reconsider this application, reverse in whole the rejection of claims 1-26, and pass this application for allowance.

Respectfully submitted,

/Thomas Zell #37481/

Thomas Zell
Attorney for Appellant
Registration No. 37,481
Telephone: 650-812-4281

Date: 4/20/07